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DEPARTMENT OF PLANNING AND LAND USE

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MITIGATED NEGATIVE DECLARATION

May 13, 2009

Project Name: Kawano Major Subdivision (8 Lots)

Project Number(s): TM5401, ER04-08-036

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for Storm
Water Management, Drainage, Traffic, Biological Resources, Noise, and
Agriculture.
1. California Environmental Quality Act Mitigated Negative Declaration Findings:
- Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

I. TRANSPORTATION

- A. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

II. NOISE

- A. Prior to the approval of any plans, issuance of any permits, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Items" have been indicated on the grading, and or improvement plans:
 - (1). Provide evidence to the Director of Planning and Land Use that a sound wall is shown on **Lot 1** on the grading plan.
 - (a) The wall will be **eight foot (8') high** with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these materials with no cracks or gaps through or below the wall.
 - (b). The sound wall will run along the front and wrap around the sides of Lot 1.
 - (c). The sound wall details and location are shown in Exhibit 1 - A Summary of Recommendations and Section 1.1 Exterior Noise Mitigation within the noise report prepared by Urban Crossroads received on July 13, 2007. Noise Study is on file with the Department of Planning and Land use as Case Number Tentative Map TM5401.
 - (2). Provide evidence to the Director of Planning and Land Use that a sound wall is shown on **Lot 8** on the grading plan.
 - (a). The wall will be **seven foot (7') high** with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a

combination of these materials with no cracks or gaps through or below the wall.

- (b). The sound wall will run along the front and sides of Lot 8.
 - (c). The sound wall details and location are shown in Exhibit 1 - A Summary of Recommendations and Section 1.1 Exterior Noise Mitigation within the noise report prepared by Urban Crossroads received on July 13, 2007. Noise Study is on file with the Department of Planning and Land use as Case Number Tentative Map TM5401.
- (3). Provide evidence to the Director of Planning and Land Use that a sound walls are shown on **Lot 2** and **Lot 7** on the grading plan.
- (a). The wall will be **six feet (6') high** with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these materials with no cracks or gaps through or below the wall.
 - (b). The sound wall will run along the lot frontages facing Buena Creek Road.
 - (c). The sound wall details and location are shown in Exhibit 1 - A Summary of Recommendations and Section 1.1 Exterior Noise Mitigation within the noise report prepared by Urban Crossroads received on July 13, 2007. Noise Study is on file with the Department of Planning and Land Use as Case Number Tentative Map TM5401.
- (4). Prior to conclusion of grading activities, placement of the sound wall is required. The applicant shall submit to the Director of the Department of Planning and Land Use the following evidence that the wall was constructed properly.
- (a). A signed, stamped statement from a California Registered Engineer, licensed surveyor, or a County approved acoustical consultant stating that the sound walls have been built and placed according to the plan.
 - (b). Photos, a brief description of the design and that the sound walls have been placed.

- B. On the Final Map, the applicant shall Grant to the County of San Diego a Noise Protection Easement over a over a strip of land 560-feet from the centerline of Buena Creek Road on Lots 1, 2, 6, 7, 8 and portions of Lot 3 of Tentative Map 5401. This easement is for the mitigation of present and anticipated future excess noise levels on residential uses of the affected lot(s). **[DPLU, FEE X2]**

Said Noise Protection easement requires that prior to the issuance of any building permit for any residential use within the noise protection easement, the applicant shall:

- (1). Complete to the satisfaction of the Director of the Department of Planning and Land Use, an acoustical analysis performed by a County certified acoustical engineer, demonstrating that the present and anticipated future noise levels for the interior and exterior of the residential dwelling will not exceed the allowable sound level limit of the Noise Element of the San Diego County General Plan [exterior (60 dB CNEL), interior (45 dB CNEL)]. Future traffic noise level estimates, must utilize a Level of Service "C" traffic flow for a Major Road classification for Buena Creek Road which is the designated General Plan Circulation Element buildout roadway classification.
- (2). Incorporate to the satisfaction of the Director of the Department of Planning and Land Use all of the recommendations or mitigation measures of the acoustical analysis into the project design and building plans.

II. PALEONTOLOGICAL RESOURCES

- A. Prior to the approval of any plans, issuance of any permits, and approval of any final map(s), provide evidence to the satisfaction of the Director of Public Works (DPW) that the following "Specific Environmental Items" have been indicated on the grading, and or improvement plans:
- (1). "This project site is has marginal to low levels of sensitive Paleontological resources. All grading activities are subject to the *County of San Diego Grading Ordinance Section 87.430*, if any significant resources (Fossils) are encountered during grading activities. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the County Permit Compliance Coordinator

with the Department of Planning and Land Use before continuing grading operations. “

- (2). “If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the San Diego Guidelines for Determining Significance for Paleontological Resources.”
- (3). “Prior to Rough Grading Inspection (SEC. 87.421) do the following: If **no** paleontological resources were discovered, submit a “No Fossils Found” letter from the grading contractor to the director of Planning and Land Use stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the County of San Diego Guidelines for Determining Significance for Paleontological Resources. “

3. Critical Project Design Elements That Must Become Conditions of Approval:

- A. The “Standard Conditions for Tentative Subdivision Maps” approved by the Board of Supervisors on June 16, 2000, and filed with the Clerk as Resolution No. 00-199, shall be made conditions of this Tentative Map approval. Only those exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized.
- B. The following conditions shall be complied with before a Final Map is approved by the Board of Supervisors and filed with the County Recorder of San Diego County (and, where specifically, indicated, shall also be complied with prior to issuance of grading or other permits as specified):

PLANS AND SPECIFICATIONS

(Street Improvements and Access)

- (1). Standard Conditions 1 through 10.
- (2). Specific Conditions:
 - a. Improve or agree to improve and provide security for the project side of Buena Creek Road (SA 490), along the project frontage in accordance with Public Road Standards for a Circulation Element Major Road with Bike Lanes, to a graded width of fifty-five feet (55') from centerline and to a paved width set to match those of adjoining TM 3644-1 improvements

on the west, and extending easterly across TM 5401 frontage parallel to approximately 30.2 feet northerly of SA 490 centerline [see "Proposed Improvement Plan: Buena Creek Road, TM 5401" (Exhibit 1 to this Application Amendment form)] with Class II walkway, and asphalt concrete dike, with face of dike approximately 30.2 feet northerly of SA 490 centerline. Provide transitions, tapers, traffic striping and A.C. dike to the existing pavement. Provide Street Light at corner of Buena Creek Road / to be named project access road. All of the foregoing shall be done to the satisfaction of the Director of Public Works.

- b. Improve or agree to improve and provide security for the to-be-named private easement road to a graded width of twenty-eight feet (28') and to an improved width of twenty-four feet (24') with asphalt concrete pavement over approved base with curb or dike where required. The improvement and design standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply to the satisfaction of the Director of Public Works.
- c. Terminate the to-be-named private easement road with a cul-de-sac graded to a radius of thirty-eight feet (38') and surfaced to a radius of thirty-six feet (36') with asphalt concrete pavement over approved base with curb or dike where required. All of the above shall be to the satisfaction of the Director of Public Works.
- d. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- e. Provide a signed statement from a registered civil engineer, a registered traffic engineer, or a licensed land surveyor that "Physically, there is a minimum unobstructed sight distance along Buena Creek Road from the TM 5401 subdivision access road, for the prevailing operating speed of traffic on Buena Creek Road, per Section 6.1.E of the County Public Road Standards (approved July 14, 1999)". Any vegetation currently obstructing sight distance shall be removed or cut back. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify: "Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- f. If guarded access is used on the proposed private street it shall be in accordance with San Diego County Design Standards DS-17, DS-18 or

DS-19 to the satisfaction of the Vista Fire Protection District, and the Director of Public Works.

(Drainage and Flood Control)

(3). Standard Conditions 13 through 18.

(4). Specific Conditions:

- a. A private storm drain system shall be maintained by a private maintenance mechanism such as a homeowners association or other entity acceptable to the Director of Public Works.
- b. The 100-year flood line of the natural channels crossing all lots with drainage watersheds in excess of twenty-five (25) acres shall be clearly delineated on the non-title information sheet of the Final Map.

(Stormwater)

- c. Low Impact Development (LID) requirements apply to all priority development projects as of January 24, 2008. These requirements are found on page 19 (Section D.1.d. (4) a & b) of the Municipal Storm water Permit:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf

The draft LID Handbook is a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. You can access the Handbook at the following DPLU web address: <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>. The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. For more information contact Stephanie Gaines, DPW, Watershed Planning Division at 858-694-3493 [Stephanie.Gaines@sdcounty.ca.gov].

- d. On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new*

Municipal Permit regulations. The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf

All priority projects must minimize directly connected impervious areas and promote biofiltration. D.1.d(4) subsections (a) and (b) are the minimal site design requirements that project applicants must address and implement. These can be summarized into the following four requirements:

- i. Disconnect impervious surfaces.
- ii. Design impervious surfaces to drain into properly designed pervious areas.
- iii. Use pervious surfaces wherever appropriate.
- iv. Implement site design BMP's.

The applicant / engineer must determine the applicability and feasibility of each requirement for the proposed project and include them in the project design, unless it can be adequately demonstrated which (if any) of the requirements do not apply.

- e. The project includes Category 2 post-construction BMP's. The applicant will be required to establish a maintenance agreement / mechanism (to include easements) to assure maintenance of these BMPs and to provide security to back up maintenance pursuant to the County Maintenance Plan Guidelines to the satisfaction of the Director of Public Works.

(Grading Plans)

(5). Standard Conditions 19(a-e).

(6). Specific Conditions:

- a. For the duration of this project, comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for **Low Impact Development (LID)**, materials

and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than one (1) acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.

- b. All of the work described above pertaining to erosion control, irrigation system, slope protection, drainage systems, desilting basins, energy dissipators, and silt control shall be secured by an Instrument of Credit in a form satisfactory to County Counsel for an amount equal to the cost of this work as determined or approved by the County Department of Public Works, in accordance with the County of San Diego Grading Ordinance. An agreement in a form satisfactory to County Counsel shall accompany the Instrument of Credit to authorize the County Department of Public Works to unilaterally withdraw any part of or all the Instrument of Credit to accomplish any of the work agreed to if it is not accomplished to the satisfaction of the County Department of Public Works by the date agreed. The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

FAIR HOUSING

- (7). Standard Condition 20.

DEVELOPMENT IMPACT FEES

- (8). Specific Conditions:

- a. Deposit with the County Department of Public Works sufficient funds to cover the cost of inspection of the development improvements.
- b. Participate in the cost of a traffic signal installation at the intersection of Buena Creek Road at Monte Vista Drive. The amount of the developer's portion of the entire cost of the signal shall be \$560. The Planning Commission hereby determines that:
 - (1). The fee is to assist in financing the construction of a traffic signal to mitigate the impact of this project on traffic safety;
 - (2). The fee will be used to contribute toward the installation of a traffic signal at the intersection of Buena Creek Road and Monte Vista Drive;

- (3). The traffic signal will help mitigate the additional traffic impact on this intersection caused by the residential subdivision;
- (4). This residential subdivision will contribute additional traffic to the intersection of Buena Creek Road and Monte Vista Drive.
- (5). The fee of \$560 is based on an estimate of the percentage of traffic this project will contribute to this intersection.

FINAL MAP RECORDATION

Final Map requirements shall be shown on the Final Map or otherwise accomplished to the satisfaction of the Director of Public Works prior to submittal for approval by the Board of Supervisors:

(Streets and Dedication)

(9). Specific Conditions:

- a. With the Final Map, dedicate or cause to be granted the project half of **Buena Creek Road (SA 490)** along the project frontage in accordance with Public Road Standards for a Circulation Element Major Road with Bike Lanes to a width of fifty- five feet (55'), together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.
- b. Show the centerline of **Buena Creek Road (SA 490)**, which is shown on the Circulation Element of the County General Plan as a Major Road on the Final Map according to the alignment study (Exhibit 2 to this Application Amendment form), or as otherwise determined accurate to the satisfaction of the Director of Public Works.
- c. Because private roads are approved as a condition of this subdivision, the following shall apply:
 - (1). Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
 - (2). The Director of Public Works shall be notified as to the final disposition of title (ownership) to the unnamed private easement road, and place a note on the Final Map as to the final title status of said-roads.

- (3). Access to each lot shall be provided by private road easement not less than forty feet (40') wide.
- d. If the private road is a separate lot, it shall have a lot number consecutive with the other lot numbers.
- e. Prior to approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- f. Relinquish access rights into Buena Creek Road except for the to-be-named private easement road.
- g. The Basis of Bearings for the Subdivision Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. **To be in compliance with the Public Resources Code, all Subdivision Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.**
- h. If conducted prior to January 1, 2000, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the Director of Public Works (Ref. San Diego County Subdivision Ordinance Section 81.506(j)).

If conducted after December 31, 1999, a survey for any Subdivision Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as

Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

(Miscellaneous)

(10). Standard Conditions 25, 26, 27, and 28.

(11). Specific Lot Area Conditions:

- a. No lot shall contain a net area of less than one half acre. [DPLU - Regulatory Planning Division]
- b. No lot shall contain a gross area of less than one acre. [DPLU - Regulatory Planning Division]

4. The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

None

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Richard Grunow, Planning Manager
Project Planning Division

RG:TT:tt